IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 12915 of 2005

Between:

K.V.Narayana, s/o K.Nagabhushanam,
Trinetra Security & Maitenance Services, Plot No.176, R.K.H.Colony, ECIL Post, Hyderabad-500 062.

..... PETITIONER

AND

1. Bharat Sanchar Nigam Ltd., rep., by its General Manager, Southern Telecom Sub-Region, II Floor,
   Sai Nilayam, Saifabad, Hyderabad.

2. Deputy General manager, Southern Telecom Sub-Region, A.P.II, Floor, Sai Nilayam, Saifabad, Hyderabad.

3. Bharat Sanchar Nigam Ltd., The Divisional Engineer, Transmission Maintenance, Southern Telecom
   Sub-Region, 1st Floor, Telephone Exchange Building, Mahabubnagar-509 001.

4. Sri Krishna Security Services, c/o Bharat Sanchar Nigam Ltd., transmission Maintenance, Southern Telecom
   Sub-Region, 1st Floor, Telephone Exchange Building, Mahabubnagar-509 001.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue, a writ, order or direction, more in the nature of a writ of mandamus declaring the action of the respondents 1 to 3 in finalising the tender No.Vol.II/DETM/MBN/2005-06, dated 28-4-2005 in violation of tender specifications is illegal and arbitrary and hit by the vide of Article 14 of Constitution of India and consequently and pass suchother order or orders as may deem fit and proper in the circumstances of the case as otherwise the petitioner will suffer grave and irreparable loss.

Counsel for the Petitioner: MR.V.HARI HARAN

Counsel for the Respondent No.1 to 3: P.Bhaskara Mohan, SC for BSNL.

The Court made the following :

O R D E R :

1. This Writ Petition has been filed by the petitioner with a prayer to issue a Writ of Mandamus declaring the action of the respondents 1 to 3 in finalizing the tender No.Vol.II/DETM/MBN/2005-06, dated 28.4.2005 in violation of tender specifications as illegal and arbitrary and hit by Article 14 of the Constitution of India.

2. The 3rd respondent issued a tender notification No.Vol.II/DETM/MBN/2005-06, dated 28.4.2005 calling for tenders from recognized and registered contractors/agencies for HIRING OF SERVICES FOR (i) House keeping, Watch and Ward of MW/OFC Stations and (ii) General Maintenance and Running of BSNL vehicles under the jurisdiction of Divisional Engineer, Transmission and Maintenance, Southern Telecom Region, Mahabubnagar for a period of one year. The petitioner submitted a tender quoting the rate at Rs.3454/-. Whereas the 4th respondent submitted a tender quoting the rate at Rs.2757/- for upkeeping of the house. The petitioner filed the writ petition questioning that the rate quoted by 4th respondent is against the mandate of payment of minimum wages and is against the provisions of Minimum Wages Act.

3. Heard the learned counsel for the petitioner, learned Standing Counsel appearing for respondents 1 to 3.

4. It is no more in dispute that the rate quoted by the petitioner is higher than the rate quoted by 4th respondent. In such a situation respondents 1 to 3 cannot be found fault with in considering the quotation of 4th respondent. The arguments advanced by the learned counsel for the petitioner are only hypothetical. Whether the 4th respondent will pay the minimum wages as required under the Minimum Wages Act,

or other laws as applicable, to its employees or will face trial is his look out, and neither the petitioner nor respondents 1 to 3 cannot have any say in that regard. Therefore, I find that the writ petition is devoid of merit and the same is liable to be dismissed.

5. Accordingly, this Writ Petition is dismissed. No costs.

Dt: 29-06-2005. (B.Seshasayana Reddy, J)

tnb

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The General Manager, Southern Telecom Sub-Region, II Floor, Bharat Sanchar Nigam Ltd, Sai Nilayam, Saifabad, Hyderabad.

2. The Deputy General Manager, Southern Telecom Sub-Region, A.P.II, Floor, Sai Nilayam, Saifabad, Hyderabad.

3. The Divisional Engineer, Transmission Maintenance, Southern Telecom Sub-Region, 1st Floor, Telephone Exchange Building, Bharat Sanchar Nigam Ltd., Mahabubnagar-509 001.

4. Sri Krishna Security Services, c/o Bharat Sanchar Nigam Ltd., Transmission Maintenance, Southern Telecom Sub-Region, 1st Floor, Telephone Exchange Building, Mahabubnagar-509 001.

5. Two copies to Dr.Bhaskara Mohan, SC for BSNL, Southern Telecom Sub-Region, II Floor, Bharat Sanchar Nigam Ltd, Sai Nilayam, Saifabad,

Hyderabad. (OUT)

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